

COMMISSIONER OF AGRICULTURE  
EMERGENCY ORDER  
2023-005

**WHEREAS**, on September 23, 2022, through Executive Order 22-218, the Governor of the State of Florida declared that Tropical Depression Nine was expected to threaten the State as a potential major hurricane and declared a state of emergency in twenty-four counties; and,

**WHEREAS**, on September 24, 2022, through Executive Order 22-219, the Governor declared a state of emergency for the entire State of Florida to prepare for the impact of now Hurricane Ian thereby amending, ratifying, and reaffirming Executive Order 22-218; and

**WHEREAS**, on September 28, 2022, Hurricane Ian made landfall as a Category 4 hurricane, traveled across the peninsula, and exited the state near Cape Canaveral on September 29, 2022; and

**WHEREAS**, through Executive Orders 22-268 and 23-21, the Governor previously extended the state of emergency and all provisions of Executive Order 22-218, as amended by Executive Order 22-219; and

**WHEREAS**, through Executive Order 23-60, issued March 17, 2023, the Governor has extended the state of emergency and all provisions of Executive Order 22-218, as amended by Executive Order 22-219, for an additional sixty (60) days thereby ratifying and reaffirming Executive Orders 22-218 and 22-219; and

**WHEREAS**, a large area of the state experienced major hurricane force winds and unprecedented rainfall resulting in severe flooding that caused crop loss, structural damage, and the loss of fertilizer applied before the storm for fall and winter crops; and

**WHEREAS**, Section 403.067(7), Florida Statutes, requires the Department to adopt Best Management Practices (BMPs) to reduce agricultural pollutant sources and some producers are required by law to enroll in the Department's BMP program; and

**WHEREAS**, Section 403.067(7)(d)3., Florida Statutes, requires the Department to perform onsite inspections of each agricultural producer that enrolls in the Department's best management practice (BMP) program to ensure the proper implementation of the applicable practices for the producer; and

**WHEREAS**, the Governor of the State of Florida; pursuant to Executive Order 22-218, Section 4, finds that the special duties and responsibilities resting upon some state agencies in responding to the emergency may require agencies to suspend the application of the statutes, rules, and orders that state agencies administer; and

**WHEREAS**, Executive Order 22-218, Section 4, Subparagraph B, authorizes state agencies to suspend the effect of any regulatory statutes prescribing the procedures for conducting state

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business or the orders or rules of the agency if strict compliance would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

**WHEREAS**, the impact of Hurricane Ian has caused financial hardships for many individuals and business in the state of Florida who are licensed and regulated by the Department and may prevent them from timely complying with regulatory statutes and rules.

**NOW THEREFORE**, in accordance with the powers and authorities conferred by Article IV, Section 4, Florida Constitution, and Executive Orders 22-218 and 22-219 as extended, I hereby declare the following:

1. Due to Hurricane Ian's impacts, the onsite verification of best management practices is not feasible and may be impossible for some producers due to the damage wrought by Hurricane Ian and the subsequent flooding.
2. The portion of Section 403.067(7)(d)3., Florida Statutes, requiring the Department to conduct BMP implementation verification is immediately suspended for the term of this order in the following counties: Brevard; Broward; Charlotte; Collier; Desoto; Flagler; Glades; Hardee; Hendry; Highlands; Hillsborough; Indian River; Lake; Lee; Manatee; Marion; Martin; Miami-Dade; Monroe; Okeechobee; Orange; Osceola; Palm Beach; Polk; Putnam; Saint Johns; Saint Lucie; Sarasota; Seminole; Sumter; and Volusia.
3. Unless specifically suspended in this Order or any other Emergency Order, all other provisions of the statute shall remain in effect.

**THIS ORDER** first entered on October 31, 2022, as Emergency Order 2022-010, is hereby extended through April 30, 2023, unless extended or rescinded by the Commissioner of Agriculture or upon the expiration or rescission of Executive Orders 22-218 and 22-219, or any extensions thereof; whichever occurs first.

EXECUTED MARCH 20, 2023.



WILTON SIMPSON  
COMMISSIONER OF AGRICULTURE

